

# PATENT

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**Examiner:** Hamud, F.

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## RESPONSE TO RESTRICTION REQUIREMENT

Applicants respectfully submit that the Examiner has not set forth a convincing argument that the search and examination of both the claims of Group I, “drawn to IL-L1 polypeptides, and the claims of Groups II, “drawn to IL-1L1 nucleic acids,” kits comprising primers,” would be unduly burdensome. In particular, Applicants note that examination of both of these groups could be conducted with a single prior art search. Therefore, it is Applicants belief that the

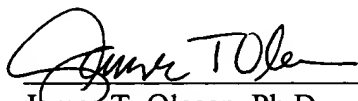
Restriction Requirement is in error and the Examiner has not shown that a serious burden would be required to examine the claims of both Groups I and II together.

The Restriction Requirement further states that, upon election of one of the groups, Applicants must additionally elect a single polypeptide or nucleic acid because "each of the polypeptides and nucleic acids are independent and distinct because no common structural or functional properties are shared." Applicants respectfully traverse this additional Restriction Requirement because the recited IL-1L1 nucleic acids are properly joined as a single invention, each being related as mammalian homologs of the IL-1L1 gene (SEQ ID NO. 1 and 4) or as alternatively 5' ends (SEQ ID NO. 2 and 3) of the human IL-1L1 gene (SEQ ID NO. 1). Nevertheless, Applicants provisionally elect with traverse the human IL-1L1 gene (SEQ ID NO. 1). Applicants maintain that SEQ ID NO. 1, should be searched alone and in conjunction with each of the two alternative 5' ends disclosed as SEQ ID Nos. 2 and 3 as described in the instant application.

Should there be any questions after review of this paper, the Examiner is invited to contact Mr. Olesen at (617) 832-1764. If there are any other fees due in connection with the filing of this response, please charge the fees to our **Deposit Account No. 06-1448**.

Respectfully submitted,  
FOLEY, HOAG, & ELIOT

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